

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable Rebecca A. Wiseman, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Diana Monopoli, Deputy Clerk.

**F040185      People v. Stevens**

Cause called and argued by Rudolph Kraft, Esq., counsel for appellant and by Judy Kaida, Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Friday, November 14, 2003 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Timothy S. Buckley, Associate Justice; Honorable Dennis A. Cornell, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Rosemary Heredia, Assistant Deputy Clerk.

**F034241      Romo et al v. Ford Motor Company**

Cause called and argued by Joseph Carcione & Erwin Chemerinsky, Esq., counsel for respondent and by Theodore J. Boutrous, Esq., counsel for appellant.

Cause ordered submitted.

**F040188**

**F040529      Johnson et al v. Ford Motor Company**

Cause called and argued by William M. Kreig, Esq., counsel for respondent and by Theodore J. Boutrous, Esq., counsel for appellant.

Cause ordered submitted.

Court recessed until Wednesday, November 19, 2003 at 1:30 P.M.

**F040773      Wagner v. Muroc Joint Unified School District**

Appellant's petition for rehearing filed herein is denied.

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**F041196      Benzenberg v. Burroughs et al.**

The judgment (order) appealed from is affirmed. Respondent is awarded costs on appeal. Dibiaso, Acting P.J.

We concur: Vartabedian, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F040286      People v. Hunt**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F040735      People v. James et al.**

The judgment as to appellant Michael James, is reversed and remanded w/directions. As to appellant Manuel Shotwell, affirmed in part and remanded to trial court w/directions. Gomes, J.

We concur: Wiseman, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F042550      People v. Sanchez**

The above-entitled case is submitted for decision.

**F042550      People v. Sanchez**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F039839      People v. Clarke**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F040143      People v. Robertson**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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**F043754      Lena R. v. The Superior Court of Tulare County; Tulare Co. Health & Human Services Agency**

The petition for extraordinary writ is denied. This opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F039562      People v. Buster**

We affirm the judgment and remand the case to superior court with directions to strike from the aggregate sentence of 38 years to life the five-year term on one Penal Code section 667, subdivision (a)(1) enhancement, to impose an aggregate sentence of 33 years to life, to vacate the Penal Code section 1202.4, subdivision (b)(2) restitution fine and the penal Code section 1202.45 additional restitution fine, each in the amount of \$7,600, to impose a Penal Code section 1202.4, subdivision (b)(2) restitution fine and a Penal Code section 1202.45 additional restitution fine, each in the amount of \$6,600, and to issue and to forward to the appropriate persons an abstract of judgment so amended. Buster has no right to be present at those proceedings. (See *People v. Price* (1991) 1 Cal.4<sup>th</sup> 324, 407-408.) Gomes, J.

We concur: Wiseman, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F042799      In re Tokunbo O., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F042799      In re Tokunbo O., a Minor**

The case is remanded to the juvenile court for it to reduce the maximum period of confinement for each of Tokunbo's Penal Code section 667.9 enhancements from 12 months for each enhancement to 4 months for each enhancement. The court shall prepare and forward to CYA a new commitment order reflecting these changes and that Tokunbo's maximum period of commitment is 11 years 8 months. In all other respects, the orders of the juvenile court are affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F042410      In re Freddie M., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F042410      In re Freddie M., a Minor**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F040310      People v. Lopez**

One of the section 667(a)(1), five-year enhancements is ordered stricken. The trial court shall prepare an amended abstract of judgment and forward it to the appropriate authorities. In all other respects, the judgment is affirmed. Wiseman, J.

We concur: Buckley, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F043046      In re Kimberly M. et al., Minors**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE

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**F043046      In re Kimberly M. et al., Minors**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F042264      People v. Castro**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F042264      People v. Castro**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]